

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RFA No.3548 of 2017(O&M)

Date of decision: 17.08.2017

Balbir Singh and others

... Appellants

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. VD Sharma, Advocate for the appellants.

ARUN PALLI, J. (Oral)

CM-8407-CI-2017

This is an application seeking condonation of delay of 1974 days in filing the accompanying appeal.

Learned counsel for the applicants concedes at the outset that the explanation rendered in the application hardly constitute any sufficient cause. However, it is urged that the matter in issue is squarely covered by an order and judgment dated 23.04.2016, rendered by this Court in RFA No.2176 of 2012 [**Rajinder v. State of Haryana**] and other connected cases, vide which in the appeals arising out of the same acquisition, this Court had enhanced the compensation awarded to the claimant-land owners. It is submitted that although the land that was the subject matter of consideration in the case of Rajinder (supra), formed part of the revenue estate of villages Ghaso Kalan and Dumerkhan Kalan, District Jind, whereas in the present case the acquired land was situated within the revenue estate of village Uchana Kalan, District Jind. But that, he submits, would hardly make any difference, for the land in all the three villages was acquired pursuant to the same notification and for a common purpose i.e. construction of Barsola Feeder.

Notice.

Mr. Shivendra Swaroop, AAG, Haryana, present in court, accepts notice on behalf of the respondent.

The factual position, as set out above, is not disputed by learned State counsel.

I have heard learned counsel for the parties and perused the record.

In the wake of the decisions of the Hon'ble Supreme Court in Imrat Lal and others v. Land Acquisition Collector and others, 2015(2) RCR (Civil) 437 and Dhiraj Singh (D) Tr. LRs. v. Haryana State and others, 2015 (2) RCR (Civil) 507, the delay of 1974 days in filing the accompanying appeal is condoned. However, to balance the equities, for the period of delay in filing the appeal the applicants shall not be entitled to any interest on the enhanced compensation.

CM stands disposed of.

**CM-8406-CI-2017; and
RFA-3548-2017**

For, the learned counsel for the parties are *ad idem* that the matter in issue is squarely covered by the decision rendered by this court in Rajinder's case (supra), the present appeal is disposed of in the same terms. However, the appellants shall not be entitled to interest on the enhanced compensation for the period of delay in filing the appeal i.e. 1974 days.

**(Arun Palli)
Judge**

August 17, 2017
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO